

COMMANDER'S CHECKLIST FOR PREVENTION AND RESPONSE TO ALLEGATIONS OF SEXUAL ASSAULT

The following are guidelines for commands with respect to prevention and response to incidents of sexual assault within the command. This checklist incorporates elements from the recently issued Department of Defense (DoD) Commander's Checklist with Enclosure (8) (Commander's Guidelines for Response to Sexual Assault Incidents) in OPNAVINST 1752.1A and Navy Inspector General Sexual Assault study recommendations. Following these guidelines ensures that commanders address all areas and provide a timely and sensitive response to all incidents of sexual assault.

Commanding officers are responsible for ensuring a command climate that condemns sexual assault; provides victims with sensitive care, resources, and support; reports incidents of sexual assault; and holds offenders accountable for their actions.

Before Sexual Assault Occurs:

Prevention:

1. Establish a command climate of prevention that is predicated on mutual respect and trust, that recognizes and embraces diversity, and that values the contributions of all of its members.
2. Reassure members of your personal commitment to maintaining a healthy environment that is safe and contributes to their well-being and mission accomplishment.
3. Ensure a safe emotional and physical environment for all members of the command. Institute and publicize a means to inform the chain of command of situations that place members at risk of sexual assault.
4. Reiterate your "zero tolerance" policy on sexual assault and the potential consequences for those who violate the law.
5. Ensure command-wide compliance with annual mandatory sexual assault awareness and prevention education GMT requirements, to include use of the DoD definition of sexual assault. Emphasize the importance of the command zero tolerance message through leadership participation in sexual assault GMT.
6. Keep a "finger on the pulse" of the organization's climate and respond with appropriate action toward any negative trends that may emerge.
7. Include sexual assault questions regarding command involvement in preventing sexual assault incidents when conducting command climate assessments.
8. Provide ongoing unit education regarding responsible use of alcohol and NADSAP programs. Promote positive social programs through MWR.

9. Carefully select command DAPA and ensure that they are trained in the SAVI program, emphasizing the link between sexual assault and alcohol misuse.

Sexual Assault Response Preparation:

1. Request a brief from the installation Sexual Assault Response Coordinator (SARC; formerly SAVI Program Coordinator) on installation sexual assault incident management and resources. This person is typically located at the Fleet and Family Support Center.
 - Ensure good coordination between installation and command assets when preventing or responding to sexual assault incidents.
 - Establish working relationship with installation SARC to ensure effective and ongoing command interface regarding sexual assault prevention and response.
2. Designate a command Sexual Assault Victim Intervention (SAVI) Point of Contact (POC).
 - This individual is responsible for implementing/coordinating command awareness and prevention education, maintaining current information on available victim support services in the area, and ensuring collection and maintenance of sexual assault data.
 - Afloat/deploying commands: It is strongly recommended that the command SAVI POC also be a trained victim advocate (see #5 below). This will facilitate effective implementation of new confidentiality policy requirements.
3. Educate all members on DoD and Navy confidentiality policy.
 - Publicize broadly that members may make restricted reports of sexual assault to the installation SARC, designated victim advocates, a healthcare provider, or a chaplain.
 - Publish names and contact information for personnel to whom a restricted report may be made.
4. Appoint a Data Collection Coordinator (DCC), who liaisons with governmental agencies to obtain required sexual assault data for command reporting purposes. Victims and alleged perpetrators are NOT contacted to provide information. Provide clear direction to the DCC regarding completion of required message traffic and thorough collection of sexual assault information.
5. Afloat/deploying commands: Provide trained, volunteer victim advocates aboard to respond if a sexual assault occurs in foreign ports or while underway.
 - The command should have sufficient trained victim advocates to ensure 24/7 response to sexual assault whenever Navy installation assets are not available.
 - These victim advocates report to the installation SARC for oversight and supervision of all advocacy responsibilities and services.
 - The installation SARC screens all volunteer victim advocates to ensure a good fit for this very sensitive position and ensures they receive required initial and refresher training.
6. Ensure the SAVI POC and DCC attend required training on sexual assault and their responsibilities under the SAVI Program.

7. Conduct a review of command sexual assault awareness and prevention education, reporting, and victim support processes to ensure they meet program standards and are in keeping with this checklist.

When a Sexual Assault Occurs:

Victim

Upon receipt of an allegation that a member of your command has been sexually assaulted, the following actions are required:

1. Ensure the physical safety and emotional safety of the victim; determine if the alleged offender is still nearby and if the victim desires/needs protection.
2. Ensure the victim receives emergency medical treatment if indicated. Encourage medical care in all other circumstances. Assist with or provide immediate transportation for the victim to the appropriate medical facility.
3. Advise the victim of the need to preserve evidence (by not bathing, showering, washing garments, etc.) while awaiting the arrival of NCIS.
4. Notify the Naval Criminal Investigative Service (NCIS) as soon as the victim's immediate safety is assured, and any emergency medical treatment is in process.
 - Strictly limit the facts or details of the incident to only those personnel who have a legitimate need to know. Ensure that command protocols limits required command notification of the incident to the smallest necessary number (e.g., CMC, XO, CO)
 - Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by NCIS or civilian law enforcement.
5. Collect only the necessary information to include the victim's identity, location and time of the incident, name and/or description of the offender(s). Do not ask detailed questions or pressure the victim for information about the incident.
6. Activate the on-call victim advocate and request immediate assistance.
 - The victim advocate will ensure that the victim understands the medical, investigative, and legal process and is advised of his/her victim support rights, even if the victim ultimately declines ongoing support from the victim advocate.
7. Offer to notify the duty Chaplain, if the victim desires pastoral assistance.
8. Designate a SAVI Command Liaison (formerly SAVI Command Representative) to act as the single command point of contact for the victim. All other direct contacts with the victim within the command should be kept to a minimum. The SAVI Command Liaison shall:
 - Be responsible and possess the maturity and sensitivity needed to support the victim's needs.
 - Have direct access to the commanding officer
 - Promote responsive command management and keep the victim informed of command actions in his/her case.

- In coordination with the responsible NCIS agent and the installation SARC, ensure the victim receives monthly updates regarding the status of his/her case.
 - Ensure a victim-sensitive command climate to avoid revictimization of the victim.
9. Ensure compliance with command reporting requirements, IAW Special Incident Reporting Requirements (OPNAVINST 3100.6H).
 - Send OPREP-3 NAVY BLUE messages for alleged rape, forcible sodomy and aggravated sexual assault incidents, OPREP-3 NAVY UNIT SITREPS for indecent assault or assault with intent to commit rape or forcible sodomy.
 - Include the regional and installation commander as a copy to addressee on all sexual assault message traffic.
 - Forward monthly update reports until a final message is forwarded detailing final disposition.
 10. After seeking consultation from legal and investigation, determine if the victim desires/needs a Military Protection Order (MPO), particularly if the victim and the accused are assigned to the same command, duty location or living quarters. DD Form 2873 shall be used when a MPO is issued.
 11. Strongly consider temporary assignment of either the victim or accused when they are assigned to the same command, duty location or living quarters.
 - Consider both the physical and emotional well being of the victim in determining the need for temporary reassignment.
 - To the extent possible, consider the desires of the victim when making reassignment determinations.
 12. Guard the victim's right to confidentiality and privacy by limiting the "need to know" personnel.
 - Be sensitive to the needs of the victim's family.
 - As an adult, the victim must consent in writing to the release of information to anyone (including parents, friends, etc). Only in cases where the victim has suffered life-threatening injuries will the next of kin be notified without prior approval of the victim.
 13. Throughout the investigation, ensure the SAVI Command Liaison consults with the victim regularly. Communicate regularly with the SAVI Command Liaison to accommodate the victim's wishes to the extent possible regarding his/her safety, health, and security, as long as a critical mission or a thorough investigation are not compromised.
 14. Determine how to best dispose of the victim's collateral misconduct. Absent overriding considerations, commanders should consider the victim's misconduct in context and exercise their authority to defer disciplinary actions for the victim's minor misconduct until after the final disposition of the sexual assault case.
 15. Avoid automatic suspension or revocation of a security and/or personnel reliability program (PRP) clearance for mental, emotional, or personality disorder or sexual behavior when

possible, understanding that the victim may be satisfactorily treated for his/her related trauma without comprising his/her PRP status.

- While a commander can and should consider the negative impact of temporarily suspending a victim's security clearance because of any collateral conduct, the ultimate determination as to whether one retains a security clearance is based on the service specific Central Adjudication Facility.
16. Emphasize the availability of additional avenues of victim support. The command SAVI POC, responsible victim advocate, or installation SARC can provide referral assistance to the victim.
 17. Ensure SAVI Command Liaison participation at installation Sexual Assault Case Review Group meetings.
 18. Ensure ongoing communication and coordination of actions between commands if the alleged offender is assigned to another command.

Alleged Offender

1. Before questioning any accused service member or discussing the case with the service member, commanders or other command representatives should first contact the legal office for guidance. Follow the guidance provided to:
 - Avoid discussing or questioning the sexual assault allegation with the alleged offender, since doing so may jeopardize the criminal investigation. However, if questioning does occur advise the service member suspected of committing a UCMJ offense of his/her rights under Article 31 of the UCMJ, and right to defense counsel representation, before questioning or discussing the sexual assault allegations with the accused.
 - Notify NCIS as soon as possible after receiving a report of a sexual assault incident.
 - Safeguard the alleged offender's rights and preserve the integrity of a full and complete investigation, to include limitations on any formal or informal investigative interviews or inquiries by personnel other than those assigned to NCIS.
 - Strictly limit information about the investigation to those who have a legitimate reason to know.
 - Ensure procedures are in place to inform the alleged offender about available counseling support.
 - Emphasize that every alleged offender is presumed innocent until proven guilty in a trial by court-martial.
2. After seeking consultation from legal and investigation, determine the need for a Military Protective Order, especially if the victim and the alleged offender are assigned to the same command, duty location or living quarters.
3. Monitor the well-being of the alleged offender, particularly any indications of suicide potential, and ensure appropriate intervention occurs if indicated.
4. Ensure ongoing communication and coordination of actions between commands if the victim is assigned to another command.

Unit

All necessary efforts should be taken to ensure that it does not become general knowledge within the command that a sexual assault has occurred. The following actions should be considered when that information becomes known within the ranks:

1. Encourage members to be appropriately supportive of one another within the organization, to include both the victim and the alleged offender in the incident.
2. Advise those who may have knowledge of the events leading up to or surrounding the incident to fully cooperate with any investigation involved.
3. Ensure proper authorities are available to explain to witnesses the potential consequences of discussing any details related to the on-going investigation.
4. Discourage members from participating in “barracks gossip.” Take action if either the victim or alleged offender reports they are being subjected to harassment, ostracism, threats, or other pressure regarding the incident from command members.
5. Consider unit refresher training; or have an outside expert address the unit regarding preventive measures, as well as some of the emotional or psychological feelings that may manifest themselves and affect the command.